



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,164	09/13/2000	Dan Kikinis	007287.00043	7516
22907 7590 12/02/2008 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051				
EXAMINER				
USTARIS, JOSEPH G				
ART UNIT		PAPER NUMBER		
2424				
MAIL DATE		DELIVERY MODE		
12/02/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/661,164

Applicant(s)

KIKINIS ET AL.

Examiner

JOSEPH G. USTARIS

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 26-34, 37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 26-34, 37 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Response to Arguments

1. The 35 U.S.C. 101 rejection of claims 26-34 is now withdrawn in view of the amendments. The examiner notes that the term "tangible machine-readable storage medium" refers to hard drive, floppy drive, CD-ROM, DVD-ROM, and EEPROM's as defined in the specification.

Applicant's arguments filed October 20, 2008 have been fully considered but they are not persuasive.

Applicant argues with respect to claims 1-19 and 26-34, 37, and 38 that Gordon does not disclose that the priorities are changed by and in response to a signal received at a set-top box. However, reading the claims in the broadest sense, Gordon does meet that limitation in the claims. Gordon discloses receiving a signal (e.g. control signal) configured to modify the first priority indicator (e.g. priorities of the viewable data objects) from a first priority to a second priority and modifying the first priority indicator from the first priority to the second priority in response to receiving the signal (See paragraph 0029; dynamical priorities change in response to a control signal). Therefore, Gordon discloses priorities that are changed by and in response to a received signal (e.g. control signal) (See paragraph 0029).

Furthermore, it is noted that the devices disclosed by Reynolds, Gordon, and Zigmond are in a sense receivers because of their ability to receive signals from other sources (See Reynolds Fig. 1, Gordon Fig. 3, and Zigmond Fig. 3). Zigmond also

discloses that the receivers are also set-top boxes (See Zigmond Fig. 3; col. 7 lines 42-49, WebTV box).

Applicant points out that Gordon is directed towards local servers and not set-top boxes. However, Gordon does disclose a process/method (e.g. changing priorities in response to a received signal) that is well known in the art and are used to perform functions that are also well known in the art (e.g. changing priorities). Therefore, one of ordinary skill would recognize that such a process/method could be placed in various embodiments (e.g. in a local server or in a set-top box) and still would produce a predictable result (e.g. producing changing priorities in response to a received signal).

Applicant also argues with respect to claim 38 that Robinett does not disclose determining that the first priority indicator is greater than the second priority indicator prior to receiving the signal; and delaying the insertion of the separate media into the broadcast stream until the first priority indicator is modified. However, reading the claims in the broadest sense, Reynolds in view of Gordon, Zigmond, and Robinett does disclose those limitations in the claims. Reynolds discloses determining that the first priority indicator is greater than the second priority indicator (See Reynolds paragraph 0037; the second priority indicator can also be lower than the first priority indicator). Furthermore, Robinett discloses that the system is able to determine a change in PID mappings prior to receiving a new version of PMT or CAT. This reads on "determining prior to receiving the signal". Robinett also discloses delaying the insertion of the changed PID mapping until the new/modified version of the PMT or CAT is available. This reads on "delaying the insertion of the separate media into the broadcast stream

until the first priority indicator is modified" (See col. 32 line 56 – col. 33 line 7). Applicant argues that the PID mappings are not inserted a broadcast stream. The examiner respectfully disagrees. PID mappings are inserted (or placed) into transport stream so that the receivers may use the PID mappings to locate certain packets (See Robinett col. 32 line 56 – col. 33 line 7). It is also noted that Reynolds discloses separate media that is inserted (or used to replace items) in a broadcast stream as discussed in the rejection below. Applicant also argues that Robinett's outputting does not constitute modifying. The examiner respectfully disagrees. Robinett discloses outputting a new version of the PMT or CAT when it's available. The insertion of the changed PID mappings are not done until the new version (or modified) of the PMT or CAT are outputted. Therefore, the insertion is not only based on the output, but also on the basis of the new version (or modified) of the PMT or CAT (See Robinett col. 32 line 56 – col. 33 line 7). It is also noted that Reynolds discloses priority indicators as discussed in the rejection below.

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 9-16, 18, 26-31, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds et al. (US20010037500A1) in view of Gordon et al. (US20010014975A1) and Zigmond et al. (US006698020B1).

Regarding claim 1, Reynolds et al. (Reynolds) discloses a receiver (See Fig. 1, 100) comprising:

receive a broadcast stream (See Fig. 1, 110; paragraph 0025), a portion of the broadcast stream (See paragraph 0026; meta data component 114) having a first priority indicator (See paragraphs 0034-0036; wherein these triggers are found in the meta data component 114);

receive media separate from the broadcast stream (See Figs. 1 and 2, 142), the media having a second priority indicator (See paragraph 0037; the assigned priority value of the local meta data 142) greater than the first priority indicator (See paragraph 0037; the priority value of the local meta data is higher than the first priority indicator/value);

determine whether the first priority indicator is greater than the second priority indicator (See paragraphs 0033-0037; priority level); and

replace the portion of the broadcast stream with the separate media in response to determining that the first priority indicator is lower than the second priority indicator (See paragraphs 0033-0037; if the first priority indicator/level is lower than the second priority indicator/level then insertion is allowed for that trigger).

However, Reynolds does not explicitly disclose receiving a signal configured to modify the first priority indicator from a first priority to a second priority, modifying the first priority indicator from the first priority to the second priority in response to receiving the signal, that the receiver is in a set top box, and memory storing computer readable instructions that, when executed, cause the set top box to perform the above functions.

Gordon et al. (Gordon) discloses a television distribution system. Gordon discloses receiving a signal (e.g. control signal) configured to modify the first priority indicator (e.g. priorities of the viewable data objects) from a first priority to a second priority and modifying the first priority indicator from the first priority to the second priority in response to receiving the signal (See paragraph 0029; dynamical priorities change in response to a control signal). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Reynolds to receive a signal configured to modify the first priority indicator from a first priority to a second priority and modify the first priority indicator from the first priority to the second priority in response to receiving the signal, as taught by Gordon, in order to allow system to dynamically adjust how to distribute programs based on viewing trends and events (See paragraph 0007 and 0029).

Furthermore, Reynolds system would still compare the modified first priority indicator to the second priority indicator in order to determine whether substitution will still take place (See Reynolds paragraph 0037).

Zigmond et al. (Zigmond) discloses a similar insertion/triggering system. Zigmond discloses that the receiver is in a set top box (See Fig. 3; col. 7 lines 42-49, WebTV

Box). Furthermore, Zigmond discloses memory storing computer readable instructions that, when executed, cause the set top box to perform certain functions (See col. 4 lines 48-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the receiver disclosed by Reynolds to be in a set top box and have memory storing computer readable instructions that, when executed, cause the set top box to perform the above functions, as taught by Zigmond, in order to allow the receiver to take on an easy form factor thereby allowing the receiver to easily be placed within a household (See col. 7 lines 37-49).

Regarding claim 2, wherein the first and second priority indicators comprise at least one of a number, a letter, and a symbol (See Reynolds paragraph 0034-0037).

Regarding claim 3, wherein the separate media and the broadcast stream are the same media (See Reynolds Fig. 1; they are both electrical signals, digital data, etc...).

Regarding claim 4, wherein the separate media and the broadcast stream are different media (See Reynolds paragraphs 0025-0026; Channel TV data vs. TV program).

Regarding claim 5, wherein an event triggers an insertion of the separate media into the broadcast stream (See Reynolds paragraph 0032-0037; the triggers cause the insertion).

Regarding claim 6, Reynolds in view of Gordon and Zigmond does not explicitly disclose that the event includes an arrival of an e-mail.

Official Notice is taken that it is well known in the art to notify the user of an arrival of an e-mail. Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to modify the system disclosed by Reynolds in view of Gordon and Zigmond to notify the user of an arrival of an e-mail in order to increase the capabilities of the system thereby providing a means of notifying the user of various content.

Regarding claim 9, wherein the first and second priority indicators are user specified (See Reynolds Fig. 1; paragraph 0037; the local affiliate operator who sets the priorities of the system is the "user").

Regarding claim 10, wherein the set-top box is part of a television system (See Reynolds Fig. 1 and Zigmond Fig. 3) or radio system.

Regarding claim 11, Reynolds discloses a method of inserting media into a broadcast stream (See Fig. 1), the method comprising:

receiving, at a receiver, a broadcast stream (See Fig. 1, 110; paragraph 0025) having a first priority indicator, wherein the first priority indicator is associated with a portion of the first broadcast stream (See paragraph 0026; meta data component 114) (See paragraphs 0034-0036; wherein these triggers are found in the meta data component 114);

receiving, at the receiver, media separate from the broadcast stream (See Figs. 1 and 2, 142) and having a second priority indicator (See paragraph 0037; the assigned priority value of the local meta data 142) lower than the first priority indicator (See paragraph 0037; the priority value of the local meta data is lower than the first priority indicator/value);

determining, at the receiver, whether the modified first priority indicator is greater than the second priority indicator (See paragraphs 0033-0037; priority level); and

in response to determining that the modified first priority indicator is lower than the second priority indicator, inserting the separate media into the broadcast stream (See paragraphs 0033-0037; if the first priority indicator/level is lower than the second priority indicator/level then insertion is allowed for that trigger).

However, Reynolds does not explicitly disclose receiving a signal configured to modify the first priority indicator from a first priority to a second priority, modifying the first priority indicator from the first priority to the second priority in response to receiving the signal and that the receiver is in a set top box.

Gordon et al. (Gordon) discloses a television distribution system. Gordon discloses receiving a signal (e.g. control signal) configured to modify the first priority indicator (e.g. priorities of the viewable data objects) from a first priority to a second priority and modifying the first priority indicator from the first priority to the second priority in response to receiving the signal (See paragraph 0029; dynamical priorities change in response to a control signal). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Reynolds to receive a signal configured to modify the first priority indicator from a first priority to a second priority and modify the first priority indicator from the first priority to the second priority in response to receiving the signal, as taught by Gordon, in order to allow system to dynamically adjust how to distribute programs based on viewing trends and events (See paragraph 0007 and 0029).

Furthermore, Reynolds system would still compare the modified first priority indicator to the second priority indicator in order to determine whether substitution will still take place (See Reynolds paragraph 0037).

Zigmond et al. (Zigmond) discloses a similar insertion/triggering system. Zigmond discloses that the receiver is in a set top box (See Fig. 3; col. 7 lines 42-49, WebTV Box). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the receiver disclosed by Reynolds to be in a set top box, as taught by Zigmond, in order to allow the receiver to take on an easy form factor thereby allowing the receiver to easily be placed within a household (See col. 7 lines 37-49).

Claim 12 contains the limitations of claims 2 and 11 and is analyzed as previously discussed with respect to those claims.

Claim 13 contains the limitations of claims 3 and 11 and is analyzed as previously discussed with respect to those claims.

Claim 14 contains the limitations of claims 4 and 11 and is analyzed as previously discussed with respect to those claims.

Claim 15 contains the limitations of claims 5 and 11 and is analyzed as previously discussed with respect to those claims.

Claim 16 contains the limitations of claims 6 and 15 and is analyzed as previously discussed with respect to those claims.

Regarding claim 18, Reynolds further discloses wherein a plurality of priority indicators are each associated with a different portion of the first broadcast stream based on a geographic area (See Reynolds paragraphs 0028 and 0038).

Regarding claim 26, Reynolds et al. (Reynolds) discloses a method comprising: receiving a broadcast stream (See Fig. 1, 110; paragraph 0025) having a first priority indicator (See paragraphs 0034-0036; wherein these triggers are found in the meta data component 114), wherein the first priority indicator is associated with a portion of the broadcast stream (See paragraph 0026; meta data component 114);

receiving a separate media (See Figs. 1 and 2, 142) having a second priority indicator (See paragraph 0037; the assigned priority value of the local meta data 142) lower than the first priority indicator (See paragraph 0037; the priority value of the local meta data is lower than the first priority indicator/value);

determining whether the first priority indicator is greater than the second priority indicator (See paragraphs 0033-0037; priority level); and

in response to determining that the first priority indicator is lower than the second priority indicator, inserting the separate media into the broadcast stream (See paragraphs 0033-0037; if the first priority indicator/level is lower than the second priority indicator/level then insertion is allowed for that trigger).

However, Reynolds does not explicitly disclose receiving a signal configured to modify the first priority indicator from a first priority to a second priority and modifying the first priority indicator from the first priority to the second priority in response to

receiving the signal and a tangible machine-readable storage medium embodying instructions executable by a set top box to perform the method above.

Gordon et al. (Gordon) discloses a television distribution system. Gordon discloses receiving a signal (e.g. control signal) configured to modify the first priority indicator (e.g. priorities of the viewable data objects) from a first priority to a second priority and modifying the first priority indicator from the first priority to the second priority in response to receiving the signal (See paragraph 0029; dynamical priorities change in response to a control signal). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Reynolds to receive a signal configured to modify the first priority indicator from a first priority to a second priority and modify the first priority indicator from the first priority to the second priority in response to receiving the signal, as taught by Gordon, in order to allow system to dynamically adjust how to distribute programs based on viewing trends and events (See paragraph 0007 and 0029).

Furthermore, Reynolds system would still compare the modified first priority indicator to the second priority indicator in order to determine whether substitution will still take place (See Reynolds paragraph 0037).

Zigmond et al. (Zigmond) discloses a similar insertion/triggering system. Zigmond discloses that the receiver is in a set top box and has a tangible machine-readable storage medium embodying instructions executable by a set top box to perform a method (See Fig. 3; col. 7 lines 42-49, WebTV Box; col. 4 lines 48-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify the receiver disclosed by Reynolds to be in a set top box and have a tangible machine-readable storage medium embodying instructions executable by the set top box to perform the method above, as taught by Zigmond, in order to allow the receiver to take on an easy form factor thereby allowing the receiver to easily be placed within a household (See col. 7 lines 37-49).

Claim 27 contains the limitations of claims 12 and 26 and is analyzed as previously discussed with respect to those claims.

Claim 28 contains the limitations of claims 13 and 26 and is analyzed as previously discussed with respect to those claims.

Claim 29 contains the limitations of claims 14 and 26 and is analyzed as previously discussed with respect to those claims.

Claim 30 contains the limitations of claims 15 and 26 and is analyzed as previously discussed with respect to those claims.

Claim 31 contains the limitations of claims 16 and 30 and is analyzed as previously discussed with respect to those claims.

Claim 33 contains the limitations of claims 18 and 26 and is analyzed as previously discussed with respect to those claims.

Claim 34 contains the limitations of claims 9 and 26 and is analyzed as previously discussed with respect to those claims.

4. Claims 7, 19, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds et al. (US20010037500A1) in view of Gordon et al. (US20010014975A1)

and Zigmond et al. (US006698020B1) as applied to claims 1 and 11 above, and further in view of Blackketter et al. (US20020056129A1).

Regarding claim 7, Reynolds in view of Gordon and Zigmond does not disclose that the signal configured to change the first priority is programmed by a time mark.

Blackketter et al. (Blackketter) discloses a similar insertion/trigging system. Blackketter discloses that a signal (e.g. trigger) that is configured to change items is programmed by a time mark (e.g. time attribute) (See Figs. 4-6; time attribute 403, 503, and 603; paragraphs 0014-0015). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Reynolds in view of Gordon and Zigmond to have the signal configured to change the first priority indicator be programmed by a time mark (e.g. time attribute), as taught by Blackketter, in order to provide a better system for synchronizing various items with programming (See paragraphs 0014-0015).

Claim 19 contains the limitations of claims 7 and 11 and is analyzed as previously discussed with respect to those claims. Furthermore, the time mark (e.g. time attribute) is used for synchronizing the separate media insertion with the broadcast stream (See Blackketter paragraphs 0014-0015).

Claim 37 contains the limitations of claims 1 and 7 and is analyzed as previously discussed with respect to those claims.

5. Claims 8, 17, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds et al. (US20010037500A1) in view of Gordon et al. (US20010014975A1)

and Zigmond et al. (US006698020B1) as applied to claims 1, 11, and 26 above, and further in view of Bullock et al. (US 5,070,404).

Regarding claim 8, Reynolds in view of Gordon and Zigmond does not disclose that the priority indicators are associated with the broadcast stream using at least one of a pilot tone and a watermark.

Bullock discloses the use of cue code wherein each cue code comprises four DTMF tones as indicator (Col. 6, lines 43-Col. 7, lines 25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reynolds in view of Gordon and Zigmond with Bullock so to take the advantage of the uniqueness of each cue code for determining the presence of the stored data having an identifier corresponding to the cue signal and for providing an indication to the user of the presence of the stored data (Col. 2, lines 1-6).

Claim 17 contains the limitations of claims 8 and 11 and is analyzed as previously discussed with respect to those claims. Furthermore, Reynolds in view of Gordon and Zigmond discloses a plurality of priority indicators are each associated with a different portion of the broadcast stream (See Reynolds paragraphs 0028 and 0038).

Claim 32 contains the limitations of claims 8 and 26 and is analyzed as previously discussed with respect to those claims. Furthermore, Reynolds in view of Gordon and Zigmond discloses a plurality of priority indicators are each associated with a different portion of the broadcast stream (See Reynolds paragraphs 0028 and 0038).

6. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds et al. (US20010037500A1) in view of Gordon et al. (US20010014975A1) and Zigmond et al. (US006698020B1) as applied to claim 1 above, and further in view of Robinett et al. (US006351474B1).

Regarding claim 38, Reynolds in view of Gordon and Zigmond discloses determining that the first priority indicator is greater than the second priority indicator (See Reynolds paragraph 0037; the second priority indicator can also be lower than the first priority indicator). However, Reynolds in view of Gordon and Zigmond does not disclose that the determining is done prior to receiving the signal and delaying the insertion of the separate media into the broadcast stream until the first priority indicator is modified.

Robinett et al. (Robinett) discloses a television distribution system. Robinett discloses that the system is able to determine a change in PID mappings prior to receiving a new PMT or CAT. This reads on "determining prior to receiving the signal". Furthermore, Robinett discloses delaying the insertion of the changed PID mapping until the new/modified version of the PMT or CAT is available. This reads on "delaying the insertion of the separate media into the broadcast stream until the first priority indicator is modified" (See col. 32 line 56 – col. 33 line 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Reynolds in view of Gordon and Zigmond to have the determining step done prior to receiving the signal and delaying the insertion of the separate media into the broadcast stream until the first priority indicator is modified, as taught by

Robinet, in order to ensure that all the changes are made and properly recorded (See col. 32 line 56 – col. 33 line 7).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH G. USTARIS whose telephone number is (571)272-7383. The examiner can normally be reached on M-F 7:30-5 PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph G Ustaris/
Primary Examiner, Art Unit 2424